



Security Council

Distr.: General
16 July 2003

Original: English

Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 15 July 2003 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Czech Republic to the United Nations in New York presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1267 (1999) and with reference in particular to paragraph 6 of Security Council resolution 1455 (2003) of 17 January 2003 has the honour to submit herewith an updated report of the Czech Republic on all steps taken to implement the measures referred to in paragraph 1 of Security Council resolution 1455 (2003) and all related investigations and enforcement actions (see annex).



Annex to the note verbale dated 15 July 2003 from the Permanent Mission of the Czech Republic to the United Nations addressed to the Chairman of the Committee

Report in fulfilment of United Nations Security Council resolution 1455 (2003)

I. Introduction

1. Please provide a description of activities, if any, by Usama Bin Laden, al-Qa'idah, the Taliban and their associates in your country, the threat they pose to the country and the region, as well as likely trends.

No open activities connected with the above-mentioned persons or organizations have been registered in the Czech Republic. Only cases of hoaxes (where the perpetrators identified themselves as members of the Taliban or al-Qaida) and cases where their actions and views have been endorsed, especially by students from Muslim countries and the domestic extremist scene (left- and right-wing), have been reported. These manifestations culminated at the end of 2001.

However, al-Qa'idah organization remains a threat on a global scale which must not be underestimated, especially in connection with the Czech Republic's involvement in the current anti-terrorism campaign. The Czech Republic Police Force, in close cooperation with the intelligence services of the Czech Republic and other States, is continuing its attempts to monitor and intercept any activity on the territory of the Czech Republic and minimize the risk of an attack or any other undesirable action by this organization on the territory of the Czech Republic or against the interests of the Czech Republic abroad.

II. Consolidated List

2. How has the 1267 Committee's List been incorporated within your legal system and your administrative structure, including financial supervision, police, immigration control, customs, and consular authorities?

On 1 March 2000, Act No. 48/2000, on measures in relation to the Afghan movement, the Taliban, was passed, and on 4 April 2000, Act No. 98/2000, on the implementation of international sanctions to maintain international peace and security, was passed. The Czech Republic Government promulgated Decree No. 164/2000, on measures in relation to the Afghan movement, the Taliban, on 7 June 2000, and Decree No. 327/2001, on further measures in relation to the Afghan movement, the Taliban, on 22 August 2001 in order to implement the first of the Acts mentioned above.

The texts of Government Resolution No. 164/2000 and Government Resolution No. 327/2001, on measures in relation to the Afghan movement, the Taliban, impose a duty to implement sanction measures against the Taliban in accordance with Security Council resolution 1267 (1999) and No. 1333 (2000) and pursuant to decisions of the relevant Sanctions Committee.

These steps, which are rather of a foreign-policy and international-law nature, should be understood in the context of their close association with other domestic measures. For example, recourse against the unlawful conduct of legal persons

which can be qualified as the funding of terrorism can be handled under current legislation in the form of "other administrative delicts", the individual qualified facts of which are regulated in special legal regulations. At present, the legal framework for the penalization of legal persons in connection with support of terrorism is composed of "sanctions legislation", i.e. Act No. 48/2000, Act No. 98/2000, and international conventions.

In the wake of 11 September 2001, the Central Crisis Team of the Czech Republic decided to gather lists of persons and organizations subject to sanctions in connection with terrorism, as published by the United Nations Security Council and the Council of the European Union, at the Financial Analysis Unit of the Ministry of Finance. This unit analyses and distributes these lists in the framework of the financial sector, the Czech Republic Police Force and the intelligence services.

This year (2003), an administrative-law working group and criminal-law working group, composed of representatives of the State administration, are forming a new legislative framework for an optimal method to be implemented for the transformation and practical enforceability of sanctions lists and other requirements of the United Nations, European Union and other international bodies, by whose decisions, regulations, and recommendations the Czech Republic is bound and which relate to the struggle against terrorism, with a special emphasis on the financing thereof, where the penalization of such unlawful conduct does not fall within the jurisdiction of criminal law.

3. Have you encountered any problems with implementation with regard to the names and identifying information as currently included in the List? If so, please describe these problems.

Within the framework of the Police Headquarters, the lists received are proof-read, a process which requires the precise transcription of the names of persons and organizations. Another problem which is important to resolve on a global scale is the addition of photographic material, i.e. photographs of the persons in question and, where possible, their fingerprints, to accompany the textual database.

4. Have your authorities identified inside your territory any designated individuals or entities? If so, please outline the actions that have been taken.

No.

5. Please submit to the Committee, to the extent possible, the names of individuals or entities associated with Usama Bin Laden or members of the Taliban or al-Qa'idah that have not been included in the List, unless to do so would compromise investigations or enforcement actions.

The Czech Republic is submitting no additional names.

6. Have any listed individuals or entities brought a lawsuit or engaged in legal proceedings against your authorities for inclusion in the List? Please specify and elaborate, as appropriate.

No, but the Clearing House working group covers this issue on a theoretical level in anticipation of any action. (This group was established in autumn 2002, based on an initiative of the Financial Analysis Unit of the Ministry of Finance. The aim of the group is to contribute to coordination and the exchange of information between individual bodies active in the struggle against money-laundering and the financing

of terrorism, and to ensure that output in an international context is uniform. The group's meetings are attended by representatives of the Ministry of Finance, the Ministry of the Interior, including the Czech Republic Police Force, the Czech National Bank, the Czech Banking Association, the Ministry of Justice and the Ministry of Foreign Affairs.)

The group met twice in 2002, and so far has met twice in 2003. The specific aim of the group is to try and analyse the processes applied by other States that have been confronted with these circumstances.

7. Have you identified any of the listed individuals as nationals or residents of your country? Do your authorities have any relevant information about them not already included in the List? If so, please provide this information to the Committee as well as similar information on listed entities, as available.

No.

8. According to your national legislation, if any, please describe any measures you have taken to prevent entities and individuals from recruiting or supporting al-Qa'idah members in carrying out activities inside your country, and to prevent individuals from participating in al-Qa'idah training camps established in your territory or in another country.

The Penal Code does not recognize the body of the crime of recruitment to terrorist groups or membership of a terrorist group. Under Section 34(g) of the Penal Code, however, a general aggravating circumstance for a perpetrator of a crime is a situation where this perpetrator committed the crime as an organizer, member of an organized group, or as a party to a conspiracy because, under Section 3(4) of the Penal Code, such a circumstance carries significance when the degree of danger of the crime posed to society is assessed (the material element of the crime). The Penal Code contains provisions penalizing the organization of crime, aiding and abetting, including the procurement of means (Section 10 of the Penal Code), actual participation in a criminal conspiracy, including the support thereof (Section 163a of the Penal Code), inciting another to commit a crime (Section 164 of the Penal Code), etc. An attempt to commit a crime is punishable, as is preparation for a crime in the case of serious crimes.

III. Financial and Economic Assets Frozen

Under the sanctions regime (paragraph 4(b) of resolution 1267 (1999) and paragraphs 1 and 2(a) of resolution 1390 (2002)), States are to freeze without delay the funds and other financial assets or economic resources of the listed individuals and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, assets or resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory.

Note: For the purpose of implementation of the financial prohibitions in this sanctions regime, "economic resources" is defined to mean assets of every kind, whether tangible or intangible, movable or immovable.

9. Please describe briefly:

- the domestic legal basis to implement the asset freeze required by the resolutions above;
- any impediments under your domestic law in this context and steps taken to address them.

The basic framework provision for the implementation of international sanctions in Czech law is Act No. 98/2000, the General Sanctions Act. In the scope of this Act, the Government may promulgate a decree appointing or regulating prohibitions and other restrictions in a manner corresponding to a decision of the United Nations Security Council and the Council of the European Union, including in the area of financial restrictions. Before this general provision was drawn up, Act No. 48/2000 entered into force; this offers an analogous framework provision, but only in relation to the Afghan movement, the Taliban. Pursuant to this Act, Government Decrees No. 164/2000 and No. 327/2001 were promulgated. They laid down the duty of implementing sanction measures against the Taliban in accordance with Security Council resolutions 1267 (1999) and 1333 (2000).

Both the above-mentioned legislative provisions are, however, designed for the implementation of sanctions regimes against entities or persons having a link to a specific State territory. As soon as the Taliban was defeated by the allied coalition and its activities ceased to be linked to the territory of Afghanistan or any other territory, which the international community responded to by United Nations Security Council resolution 1390 (2002), lifting sanctions against Afghanistan and only preserving sanctions related directly to the Taliban and its representatives, Government Decrees No. 164/2000 and 327/2001 were no longer sufficiently operative. This is because Czech legislation is based on the traditional concept of international sanctions used hitherto on the international scene, i.e. a concept where the entity on which sanctions were imposed was always a State, and therefore the sanctions were related to the territory of that State. This was the territorial application of sanctions. However, after 11 September 2001, in the sphere of the existing sanctions system, the concept of a new mechanism for sanction measures emerged, i.e. the imposition of sanctions against persons who are connected with terrorist activities but where a specific State territory or membership of a specific State does not feature as a common denominator.

Therefore, the Czech Republic is intensively seeking a solution to this situation. One possibility is an amendment of Act No. 98/2000, transforming it into a framework provision for the implementation of international sanctions aimed not only against States, insurgent movements, or other organized force and the citizens or members thereof, but also against separate natural and legal persons who are connected with terrorist activities where no international-law entity is the primary subject of penalization. In this way, two different sanctions regimes could be linked — the classic sanctions regime applied against the subjects of international law, and the new regime, focused primarily against natural and legal persons. Another possibility is to form a new framework legal provision at the level of an Act, which would be used as the basis for the promulgation of Government decrees implementing international sanctions only against natural or legal persons who are associated with terrorism. This would be a new anti-terrorism sanctions law.

In order to find an adequate solution, an administrative-law working group and criminal-law working group were established. Please see No. 2 above.

A remaining issue is the relationship of sanction lists, or restrictive measures against listed persons, to the concept of basic human rights, e.g. the right to a fair trial.

The Czech Republic signed the International Convention for the Suppression of the Financing of Terrorism in 2000. The Government is due to be presented with the draft of the new Penal Code in June 2003. This bill and the related legislation have been prepared so that they can be used for the full implementation of the obligations contained in the Convention and concerning the penalization of legal persons and their assets in connection with the financing of terrorism. Subsequently, on 30 September 2003, the Government is to be presented with information about measures that will make it possible to ratify the International Convention for the Suppression of the Financing of Terrorism, adopted under General Assembly resolution No. 54/109 of 9 December 1999.

10. Please describe any structures or mechanisms in place within your Government to identify and investigate Usama bin Laden, al-Qa'idah or Taliban-related financial networks, or those who provide support to them or individuals, groups, undertakings and entities associated with them within your jurisdiction. Please indicate, as appropriate, how your efforts are coordinated nationally, regionally and/or internationally.

11. Please convey the steps banks and/or other financial institutions are required to take to locate and identify assets attributable to, or for the benefit of, Usama bin Laden or members of al-Qa'idah or the Taliban, or associated entities or individuals. Please describe any "due diligence" or "know your customer" requirements. Please indicate how these requirements are enforced, including the names and activities of agencies responsible for oversight.

Joint reply to questions 10 and 11

1) The legislative framework of the Czech Republic does not refer to the financing of terrorism as such as a crime. This crime is considered participation in a crime, the commission of which is financed or otherwise supported. The specific terms of the sentence and type of penalty depend on the penal sanctions of the crime which has been financed (terror under Section 93, sabotage under Section 95, endangering the safety of an aircraft or vessel under Section 180a, aircraft hijacking under Section 180c, etc.).

The basic legal document safeguarding defence in the Czech Republic against money-laundering (recently also applied against the financing of terrorism) is Act No. 61/1996, on certain measures against the legalization of proceeds from crime, as amended.

The systems of banks, with regard to the fight against money-laundering, are subject to inspection by the banking supervisory body of the Czech National Bank. The Banking Association issued Banking Activity Standards No. 4 of 2000 — Internal principles and procedures to prevent the legalization of proceeds from crime in banks, which lay down in more detail the possible procedures to be applied by banks to identify transactions and clients, including cases of credit.

There have been breakthroughs overriding the principle of banking secrecy, which include the obligation to make data available pursuant to a court order and the duty of banks to submit reports to the Financial Analysis Unit of the Ministry of Finance, which occupies itself with financial crime in accordance with Act No. 61/1996, on certain measures against the legalization of proceeds from crime, as amended. Under Section 6 of this Act, a client order may be delayed for a maximum of 72 hours, which is the period the Act provides to the Financial Analysis Unit of the Ministry of Finance to investigate a suspicious transaction and submit a report in the given case. If circumstances are discovered within this time limit which indicate that a crime may have been committed, a complaint is lodged. The financial institution (e.g. bank) where the assets have been frozen is notified of this fact and as of that moment the financial institution is obligated not to execute the client's order for a period of a further three days so that the police authorities can take action to block the account further. If the Financial Analysis Unit of the Ministry of Finance does not file a complaint, the financial institution is not obliged under the law to postpone the execution of the client's order any longer (e.g. an order to withdraw or transfer financial assets).

Under legislation in force, all financial institutions must, inter alia, identify any transaction of more than CZK 500,000 (1 United States dollar is equal to approximately CZK 28), in the case of banks the amount is CZK 100,000 (the Banks Act), and in the case of exchange offices, as set by Czech National Bank Regulation No. 1/2000, on the execution of transactions involving values in foreign exchange, this limit is CZK 20,000.

In addition, the law makes it a duty to examine all transactions (regardless of their financial value) for suspicious signs. In cases of suspicious transactions, the financial institution is obliged to identify the parties to the transaction and submit a report to the Financial Analysis Unit of the Ministry of Finance (this also relates to credit transactions, which are always subject to prior identification of the client). Under measures issued by the Czech National Bank, banks are obliged to identify the purpose of payments on client accounts to and from abroad.

Where a financial institution has good reason to suspect that a party to a transaction is acting in its own name on behalf of a third person, or is concealing that fact that it is acting on behalf of a third person, the institution shall attempt to discover the identity of the third persons based on the information available to it or, as far as possible, shall take steps to discover their identity (Section 2(5) of Act No. 61/1996).

A financial institution is obliged, on request and within a time limit set by the Ministry, to disclose information to the Ministry about transactions which are subject to the obligation of identification and in respect of which the Ministry conducts investigations, to submit documentation about these transactions, or to enable the delegated employees of the Ministry to have access to such documents when investigating reports or running checks, and to supply information about the persons who are party, in any capacity, to such transactions (Section 8(1) of Act No. 61/1996).

Criminal-law sanctions for financing terrorism are graded depending on the merits of the case they relate to. In cases of the legalization of proceeds from crime and conduct which can be described as the financing of terrorism, adequate sanctions are

set in the form of imprisonment, seizure of assets, monetary penalties, and, where appropriate, a prohibition of activity and the forfeiting of items.

In cases of the breach of duties set in sanctions legislation (i.e. Act No. 98/2000, on the implementation of international sanctions to maintain international peace and security, and Act No. 48/2000, on measures in relation to the Afghan movement, the Taliban and Decree No. 164/2000 on measures in relation to the Afghan movement, the Taliban), a natural or legal person may be subject to a fine (administrative penalty) of up to CZK 5,000,000; if particularly important foreign-policy or security interests of the State are threatened, a fine of up to CZK 30,000,000 may be imposed. For breaches of the duties laid down under Act No. 61/1996, a fine of up to CZK 2,000,000 may be imposed, and repeated breach or non-fulfilment of duties within a period of twelve (12) consecutive months may be subject to a fine of up to CZK 10,000,000 and/or revocation of a licence to engage in business activities and other self-employment.

In 2002, a Czech National Bank regulation was prepared and promulgated which takes into account the requirements contained in the material of the Basel Committee for Banking Supervision entitled "Customer Due Diligence for Banks", an integral part of which is the application of the "get to know your customer" principle. Given the need for consultation with the Czech Banking Association, the Financial Analysis Department of the Ministry of Finance and the Personal Data Protection Office, the regulation will not be issued until mid-2003. On the approval of the amendment to Act No. 61/1996, on certain measures against the legalization of proceeds from crime and on an amendment to related legislation, which should include the possibility of applying measures against money-laundering in the sphere of the fight against the financing of terrorism, the Czech National Bank is anticipating that the above-mentioned regulation will be amended to cover this area too.

II) State of organization. In the framework of the Department for the Detection of Corruption and Serious Crime of the Czech Republic Police Force, a specialized Proceeds Unit has been set up, which cooperates with other departments of the criminal police and investigators operating throughout the Czech Republic (i.e. from the National Narcotics Headquarters, the Department for the Detection of Organized Crime and the Office of Financial Crime and State Protection) in searching for, documenting, and identifying proceeds from predicative crime. In connection with financial investigations, checks are also run on the existence of third parties which are not active in the commission of source crimes but are active in the legalization of proceeds from such crimes.

Under the guidance of the Financial Analysis Unit of the Ministry of Finance, an interdepartmental working group has been set up, called the Clearing House. This group covers current problems related to money-laundering, the financing of terrorism, and the detection of proceeds from crime. The working group contains members from various ministries and other State administration authorities with competence in this area. At regular meetings information is exchanged and evaluations are run of current problems in the given areas, with attempts to get measures adopted (e.g. legislative instigation) which will help resolve the problems which have arisen.

An agreement has been concluded between the Ministry of the Interior and the Ministry of Finance on a joint approach, mutual assistance and cooperation in combating crime threatening the fiscal interests of the State. The subject of this

agreement is the commitment of both contracting parties to provide each other, in the scope of valid legal regulations, with the necessary information and to coordinate their activities in areas of common interest. In terms of combating terrorism, it is proposed that tax confidentiality be rescinded in relation to a specialized police unit and that in necessary cases investigations and clarification of terrorist activities be carried out. The breach of such confidentiality is to be regulated in the new Tax Rules (replacing the original Act on the Management of Taxes and Charges), which should be passed in July 2003. The Ministry of Finance (General Directorate of Customs) has also concluded a bilateral agreement with all intelligence services (military and civil), with the Ministry of Defence and the Ministry of the Interior (the Czech Republic Police Force), which has intensified the exchange of information among these relevant authorities.

Since the beginning of 2003, there has been direct bilateral cooperation with the newly set up unit of the Central Financial and Fiscal Headquarters, which involves cooperation in checks and in drawing up documentation regarding the legal sources of the income of persons of interest and the application of alternative principles of exhausting illegal assets (principles of economic destabilization of criminal structures), the application of the principle of an alternative violation — evasion of taxes, charges and similar statutory payments (Section 148 of the Penal Code), or non-fulfilment of a notification duty in fiscal proceedings (Section 148b of the Penal Code).

Other work on finding solutions to tasks related to combating terrorism (including the financing of terrorism) is developed within the framework of operative working groups set up in accordance with tasks incorporated into the National Action Plan to Combat Terrorism: a) International Group; b) Criminal Law Group; c) Administrative Law Group.

Examples of the coordination of work at a regional and international level are the integration of the Czech Republic into the structures of Europol, Interpol, the Financial Action Task Force (FATF), the Police Working Group for Terrorism (PWGT), and Egmont. The Czech Republic also contributes to the European Union PHARE project, module 08 — consultation, training, and receipt of experiences from units for the seizure of proceeds from crime in Germany. Up-to-date information is also passed on in the scope of specialist training and seminars attended by employees of the Czech Republic Police Force.

12. Resolution 1455 (2003) calls on Member States to provide “a comprehensive summary of frozen assets of listed individuals and entities”. Please provide a list of the assets that have been frozen in accordance with this resolution. This list should also include assets frozen pursuant to resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Please include, to the extent possible, in each listing the following information:

- identification(s) of the person or entities whose assets have been frozen;
- a description of the nature of the assets frozen (i.e. bank deposits, securities, business assets, precious commodities, works of art, real estate property, and other assets);
- the value of assets frozen.

No assets have been frozen in the Czech Republic.

13. Please indicate whether you have released pursuant to resolution 1452 (2002) any funds, financial assets or economic assets that had previously been frozen as being related to Usama Bin Laden or members of the al-Qa'idah or the Taliban or associated individuals or entities. If so, please provide reasons, amounts unfrozen or released and dates.

No such action has been taken in the Czech Republic.

14. Pursuant to resolutions 1455 (2003), 1390 (2001), 1333 (2000) and 1267 (1999), States are to ensure that no funds, financial assets or economic resources are made available, directly or indirectly, to Listed individuals or entities or for their benefit, by nationals or by any persons within their territory. Please indicate the domestic legal basis, including a brief description of laws, regulations and/or procedures in place in your country to control the movements of such funds or assets to designated individuals and entities. This section should include a description of:

- The methodology, if any, used to inform banks and other financial institutions of the restrictions placed upon individuals or entities listed by the Committee, or who have otherwise been identified as members or associates of al-Qa'idah or the Taliban. This section should include an indication of the types of institutions informed and the methods used.
- Required bank-reporting procedures, if any, including the use of Suspicious Transaction Reports (STR), and how such reports are reviewed and evaluated.
- Requirements, if any, placed on financial institutions other than banks to provide STR, and how such reports are reviewed and evaluated.
- Restrictions or regulations, if any, placed on the movement of precious commodities such as gold, diamonds, and other related items.
- Restrictions or regulations, if any, applicable to alternate remittance systems such as — or similar to — "hawala", as well as on charities, cultural and other non-profit organizations engaged in the collection and disbursement of funds for social or charitable purposes.

The following information supplements the joint answer to questions 10 and 11

Resolution of the Czech Republic Government No. 773 of 26 July 2000 tasked the Ministry of Justice, the Ministry of the Interior and the Ministry of Finance with ensuring compliance of domestic legislation with the commitments stemming from the International Convention for the Suppression of the Financing of Terrorism. At the end of 2002, the Czech Republic Government was presented with a draft amendment to Act No. 61/1996, on certain measures against the legalization of proceeds from crime and an amendment to related legislation, which would, inter alia, impose the obligation on financial institutions to supply information about transactions where there is a suspicion that they are related to terrorism.

In order to ensure inspections of investments and grants with the aim of preventing possible money-laundering or the financing of terrorism, the evaluation committees investigate investments and grants in the following areas of activity:

- support for the building of an accompanying tourist infrastructure for sports and recreational activities;
- support for balneology;
- grants in the framework of the Rural Revival Programme and the Regional Programme for the Support of the Development of Economically Weak and Structurally Afflicted Regions;
- grants in the framework of the programme to support housing;
- grants in the framework of the European Union (EU) pre-accession programme (the SAPARD programme);
- EU grants in the framework of the EU programme (PHARE programme).

IV. Travel Ban

Under the sanctions regime, all States shall take measures to prevent the entry into or transit through their territories of Listed individuals (paragraph 1 of resolution 1455 (2003), paragraph 2b of resolution 1390 (2002)).

15. Please provide an outline of the legislative and/or administrative measures, if any, taken to implement the travel ban.

16. Have you included the names of the listed individuals in your national "stop list" or border checkpoint list? Please briefly outline steps taken and any problems encountered.

17. How often do you transmit the updated List to your border control authorities? Do you possess the capability of searching List data using electronic means at all your entry points?

Joint answer to questions 15, 16, 17:

The mechanism for the transcription of persons included in the sanctions list of the United Nations into the list of wanted persons used in the Czech Republic is as follows:

(a) The list is distributed via the Ministry of Foreign Affairs to the Ministry of Finance (the Financial Analysis Unit) and the Ministry of the Interior (Police Headquarters, where it is mainly used in the Department for the Detection of Organized Crime — Criminal Police and Investigation Service (UOOZ) and in the Department for the Detection of Corruption and Financial Crime — Criminal Police and Investigation Service (UOKFK)); a similar list is also acquired via Interpol by the Department for International Cooperation at the Ministry of the Interior (OMPS).

(b) In accordance with Ministry of the Interior Regulation No. 33/2002, authorized persons (in the case of the list connected with United Nations Security Council resolution 1267 (1999) this was the Department for International Cooperation) will enter information on wanted persons or persons subject to sanctions by means of the operations department of the Police Headquarters, and by means of the Headquarters of the Regional Administrations of the Czech Republic Police Force into a national database (PATROS, ENO). These entries need only contain the information contained in the corresponding online United Nations list (name, date of birth, and address).

(c) Newly entered persons are given a once-through examination by the Criminal Police and Investigation Service (to check whether this person currently lives on the territory of the Czech Republic, whether he or she has ever lived here, whether he or she has crossed the border of the Czech Republic, transited the country, applied for a visa, sought asylum, whether he or she has opened a bank account here, etc.).

Border-crossing personnel can access the list of wanted persons (as well as lists of artefacts, forgeries, documents and vehicles, including instant reference to the Canadian headquarters of Interpol) via the Internet. (<http://www.interpol.int/public/wanted/search/recent.asp>) and, besides the connection to the PATROS and ENO databases, access is also possible via the web site of the Ministry of the Interior (<http://www.mvcr.cz>) via the Relations and Tracking references.

Also connected with the above-mentioned circumstances are measures to combat the forging of travel documents, the security of State borders, and the visa policy.

Since July 2000, the Ministry of the Interior has been operating a centralized system for machine-readable personal identification documents of the Czech Republic. The output of this system is machine-readable passports and identity cards with the printed form of the holder's signature. Counterfeit or altered machine-readable passports (specimen 2000) have not yet been detected, according to the latest information. The machine-readability of the above-mentioned documents will make it possible to speed up and make more precise the process of clearance at border crossings.

In connection with the Czech Republic's preparations for membership in the European Union, preparatory work has started on ensuring the application of the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (the Dublin Convention) of 1990 and Council Regulation (EC) 2725/2000, on the establishment of the Eurodac system, as a means of determining the identity of asylum-seekers and persons arrested in connection with unauthorized crossing of the external borders of the European Union or the borders between individual Member States of the European Union.

This problem is handled within the scope of preparations for the Immigration and Border Police to be integrated into international Schengen cooperation. The Eurodac Czech Republic Centre has been affiliated with the already established and expanding Automated Fingerprint Identification System information system, used by the Czech Republic Police Force for the purpose of criminal proceedings and the control of legal and illegal migration. Its standardized software product meets the requirement of compatibility with the system used in Member States of the European Union.

Most police information systems in the Czech Republic, which keep records in accordance with the Schengen Agreement Implementing Convention, are operated as a national central police database with access via the Internet, and are either in full operation or test operation.

With the aim of creating legislative conditions to ensure the safety of the State borders in accordance with the Schengen requirements, Government Draft Act No. 216/2002, on the protection of the State borders of the Czech Republic and on an amendment to related legislation, was drawn up and subsequently passed. This Act

entered into effect on 1 January 2003 (with the exception of provisions whose effect is linked to the cancellation of controls at internal borders, i.e. on the Czech Republic's entry to the Schengen system).

To ensure the protection of State borders in accordance with the Schengen requirements, on 1 January 2002 the organizational structure of the Immigration and Border Police Service was changed and a special department of the Czech Republic Police Force was set up with national coverage, responsible for the fulfilment of tasks related to the protection of State borders and the stay of foreigners on the territory of the Czech Republic. This department is also the only entity responsible for coordination, in the sphere of activities directly related to the protection of borders, with the bodies for the protection of the borders of neighbouring countries and EU Member States.

Within the scope of implementing the Concept for the Modernization of the Visa Process, approved by Czech Republic Government Resolution No. 748 of 18 November 1998, the Headquarters of the Immigration and Border Police Service and the Ministry of Foreign Affairs are cooperating on a project for the blanket introduction of an electronically supported system for the granting of visas at embassies and consular offices, which includes the running of automated and non-automated security checks on all applications for Czech visas in the scope of consultations between the Ministry of Foreign Affairs and the Czech Republic Police Force.

The emergence of the information systems of the Ministry of Foreign Affairs and the Headquarters of the Immigration and Border Police Service started in 1998, when a pilot project was launched. After trial operations, the module called "Modernization of the Visa Process" was gradually installed at remaining embassies and consular offices in 1999.

An amendment to the Asylum Act was adopted with effect as at 1 February 2003, which completed the process of harmonization with Community asylum law; the "Euro-amendment" of the Act on the Residence of Aliens, promulgated in the Collection of Laws under number 217/2002, was also passed. The current procedure applied in the EU and individual EU Member States as regards migration and asylum policy is monitored.

Preparatory work has started on ensuring the application of the Convention determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (the Dublin Convention) of 1990 and Council Regulation (EC) 2725/2000, concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention, as a means of determining the identity of asylum-seekers and persons arrested in connection with unauthorized crossing of the external borders of the European Union, or the borders between individual Member States of the European Union.

The activities of an international working group focusing on asylum and migration in the scope of the Budapest Process, including most European States, have been launched. A pilot project for the rapid identification of persons based on fingerprints (the Automated Fingerprint Identification System project) has been implemented.

The Ministry of the Interior, as the general coordinator, has prepared a Draft Act on the temporary protection of immigrants and a Draft Act which, in connection with

the adoption of the Act on Temporary Protection, amends Act No. 326/1999, on the residence of foreigners on the territory of the Czech Republic and on an amendment to related legislation, Act No. 325/1999, on asylum and an amendment to Act No. 283/1991, on the Czech Republic Police Force, as amended, and Act No. 359/1999, on the socio-legal protection of children.

The Draft Act on the temporary protection of immigrants was presented to the Government in November 2002. This draft act was passed by the Government and is currently being debated by the Parliament of the Czech Republic. The draft act is expected to enter into effect in August 2003.

In order to ensure the organizational consolidation of activities and an improvement in coordination, the Czech Republic Police Force and the intelligence services, in the fulfilment of tasks under the Asylum Act and separate legal regulations, are authorized to enter the records of the Ministry of the Interior which are kept in connection with asylum proceedings and to use the information stored in them, including personal data.

Reinforcement of border protection — the Immigration and Border Police Service runs checks on persons on arrival in the Czech Republic and on departure from the Czech Republic, including checks on the authenticity of their travel documents and particulars required to enter the Czech Republic. The screening of persons and motor vehicles in all police records is carried out at border crossings. Measures aimed at cooperation with the customs and police authorities of neighbouring States are implemented at border crossings. The customs authorities run checks on vehicles as they cross State borders.

To ensure the protection of State borders in accordance with the Schengen requirements, on 1 January 2002 the organizational structure of the Alien and Border Police Service was changed and a special department of the Czech Republic Police Force was set up with national coverage, responsible for the fulfilment of tasks related to the protection of State borders and the stay of foreigners on the territory of the Czech Republic.

With the aim of creating legislative conditions to ensure the protection of the State borders in accordance with the Schengen requirements, Government Draft Act No. 216/2002, on the protection of the State borders of the Czech Republic and on an amendment to related legislation, was drawn up and subsequently passed. This Act entered into effect on 1 January 2003.

18. Have you stopped any of the listed individuals at any of your border points or while transiting your territory? If so, please provide additional information, as appropriate.

No.

19. Please provide an outline of the measures, if any, taken to incorporate the List in the reference database of your Consular offices. Have your visa-issuing authorities identified any visa applicant whose name appears on the List?

In the scope of implementing the Concept for the Modernization of the Visa Process, approved by the Czech Republic Government Resolution No. 748 of 18 November 1998, the Headquarters of the Immigration and Border Police Service and the Ministry of Foreign Affairs are cooperating on a project for the blanket introduction of an electronically supported system for the granting of visas at embassies and

consular offices, which includes the running of automated and non-automated security checks of all applications for Czech visas in accordance with referential database lists in the scope of consultations between the Ministry of Foreign Affairs and the Czech Republic Police Force.

The Czech Republic Police Force inspects whether a newly entered person (subject to sanctions) has been placed in the database of asylum-seekers. Most activities in this respect, however, are carried out at consular offices.

V. Arms Embargo

Under the sanctions regime, all States are requested to prevent the direct or indirect supply, sale and transfer, to Usama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals and entities associated with them, from their territories or by their nationals outside their territories of arms and related material of all types, including the provision of spare parts and technical advice, assistance, or training related to military activities (paragraph 2(c) of resolution 1390 (2002) and paragraph 1 of resolution 1455 (2003)).

20. What measures, if any, do you now have in place to prevent the acquisition of conventional arms and weapons of mass destruction (WMD) by Usama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them? What kind of export control do you have in place to prevent the above targets from obtaining the items and technology necessary for weapons development and production?

Act No. 21/1997, on the control of exports and imports of goods and technologies subject to international control regimes, in the wording of Act No. 204/2002 provides an instrument for the control and limitation of the availability of weapons of mass destruction, or items which can be used for WMD development and production by unreliable entities (persons or organizations) in the Czech Republic. Based on this Act and the relevant implementing regulations, by applying a licensing procedure it is possible not just to control the exports of goods of ambiguous use, as specified in lists, but also to apply special cases of licensing proceedings for items not elsewhere specified. Therefore, it is possible to refuse to grant an export licence on grounds cited directly in the law, including security and foreign-policy grounds.

As regards control of the non-proliferation of nuclear weapons, inspection activities under Act No. 18/1997, on the peaceful use of nuclear energy and ionizing radiation, in the wording of Act No. 13/2002, and in accordance with Regulation No. 145/1997, on the record-keeping and control of nuclear materials and their more detailed specification in the wording of Regulation No. 316/2002, and in accordance with Regulation No. 179/2002, appointing a list of selected items and items of dual use in the nuclear sector are carried out thoroughly.

In terms of the control of the non-proliferation of bacterial (biological) and toxin weapons, licences are issued for work with high-risk biological components and toxins, and inspection activity follows, in accordance with Act No. 281/2002, on certain measures connected with the prohibition of bacterial (biological) and toxin

weapons and on an amendment to the Trades Licensing Act (this Act entered into force on 28 June 2002).

As regards the control of the non-dissemination of chemical weapons, the inspection activities of the State Office for Nuclear Safety are intensified in accordance with Act No. 19/1997, on certain measures connected with the prohibition of chemical weapons, in the wording of Act No. 249/2000.

In response to the terrorist attacks on the United States of America, in accordance with the tasks stemming from the negotiations of the Central Crisis Committee, a specialist working group was set up under the coordination and direction of the Ministry of Industry and Trade, focusing on increased inspections in the field of foreign trade in military materials. The members of this group were representatives of the Ministry of Industry and Trade, Ministry of the Interior, Ministry of Defence, Ministry of Foreign Affairs, National Security Office, Security Information Service, and Office for Foreign Relations and Information.

In accordance with sub-measures planned by this interministerial group, the Ministry of Industry and Trade identified the holders of licences to operate foreign trade in military materials which required investigation. On this basis, 132 legal persons were investigated; in one case, an order was issued to commence administrative proceedings to revoke the licence to engage in foreign trade in military materials, due to the prosecution of a member of the statutory body and co-owners of the company. Although only one petition was filed for the commencement of administrative proceedings, these investigations can be viewed as a significant element contributing to the security of foreign trade in military materials.

Act No. 21/1997, on the control of exports and imports of goods and technologies subject to international inspection regimes, was amended in May 2002 by Act No. 204/2002. This Act entered into effect on 24 May 2002. The Act on Foreign Trade in Military Materials was also amended, which made it an obligation for natural persons (members of statutory bodies, proxies, and other persons where appropriate) who apply for a licence to conduct foreign trade in military materials to fulfil the conditions of security eligibility.

At the beginning of October 2002, information about the requirements placed on the operation with respect to carrying out foreign trade in military materials in the Czech Republic, together with the Code of Military Material Exporter Practices in the Czech Republic and other documentation (e.g. the Joint Action of the European Union to Combat the Destabilizing Amassing and Distribution of Hand and Light Weapons, including its amended, expanded version), was sent to all those holding a licence to conduct foreign trade in military materials in the Czech Republic. This information is also available on the web site of the Ministry of Industry and Trade.

21. What measures, if any, have you adopted to criminalize the violation of the arms embargo directed at Usama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them?

No special legislative measures have been adopted in connection with the implementation of the sanctions regime against the Taliban or al-Qa'idah. Any crimes in the sense of a breach of the relevant United Nations Security Council resolution would be judged in accordance with Section 124a of the Penal Code.

22. Please describe how your arms/arms broker licensing system, if any, can prevent Usama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated with them from obtaining items under the established arms embargo.

The conditions for carrying out foreign trade in military materials are regulated by Act No. 38/1994, on foreign trade in military materials and on an amendment to Act No. 455/1991, on trades licensing (the Trades Licensing Act), as amended, and Act No. 140/1961, the Penal Code, as amended, in the wording of Act No. 310/2002. The Licensing Authority of the Ministry of Industry and Trade will not issue licences for the export of military materials without prior approval from the Ministry of Foreign Affairs.

23. Do you have any safeguards that the weapons and ammunition produced within your country will not be diverted/used by Usama bin Laden, members of al-Qa'idah organization and the Taliban and other individuals, groups, undertakings and entities associated?

An integral part of the licensing procedures is the checking of the final use of the exported goods and the final user, prior to the issuance of the licence. The Licensing Authority of the Ministry of Industry and Trade cooperates in sensitive cases with the Ministry of Foreign Affairs and takes into account information from partner countries. The inspection bodies are primarily the customs authorities (the Ministry of Finance — Directorate General of Customs) and the State Office for Nuclear Safety. The requirements needed for regular physical checks of the final usage of exported goods abroad (connected with ex-territory competence) do not currently exist in Czech law.

VI. Assistance and conclusion

24. Would your State be willing or able to provide assistance to other States to help them implement the measures contained in the above-mentioned resolutions? If so, please provide additional details or proposals.

25. Please identify areas, if any, of any incomplete implementation of the Taliban/al-Qa'idah sanctions regime, and where you believe specific assistance or capacity-building would improve your ability to implement the above sanctions regime.

No specific assistance is currently required. The Czech Republic believes it can rely adequately on informal consultations of delegates of the Ministry of the Interior of the Czech Republic or other experts with members of the United Nations Counter-Terrorism Committee (CTC), which are held parallel to certain negotiations of the United Nations Office at Vienna (UNOV) on issues of drugs and crime (United Nations Office on Drugs and Crime — UNODC), especially as regards the Worldwide Anti-Terrorism Programme derived from United Nations Security Council resolution 1373 (2001) of 28 September 2001, which, in the framework of certain decisions sets forth priorities in the fight against terrorism and evaluates the fulfilment thereof by individual United Nations Member States.

26. Please include any additional information you believe pertinent.

We have no further information to supply.